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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,825	12/07/2001	Yasuo Shibusawa	TMI-109	7759

24956	7590	12/05/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

DETAILED ACTION

1.   This office action is in response to the amendment filed by the Applicant on 9/20/2005.

2.   Claims 1 – 8 remain rejected, and new claims 9 – 16 are also rejected. Applicant's

arguments with respect to claims 1 – 8 have been considered, but they are not convincing.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 2; 4 – 6; 7; 9, 10; 12 – 14; and 15 are rejected under 35 U.S.C. 102(e) as being

anticipated by Smith et al., U.S. Patent 6,067,582 (hereinafter referred to as Smith).

In regard to claim 1:

A software installation method comprising the steps of:

> *"storing information related to a constituent element of a user's computer system and software required for operation of the constituent element and also storing identification information for identifying a user's computer system that is supplied to the user's computer system, and system configuration information indicating hardware of the user's computer system;*

accepting from the user's computer system the identification information of the user's computer system;

sending, to the user's computer system, software required for the constituent element the user's computer system that is determined from the stored system configuration information which corresponds to the accepted identification information."

Smith discloses stored information related to an element of a computer system, and including computer system identification information and hardware configuration information (column 8, lines 23 – 31, and 61 – 65). After the system information is accepted, the software is sent to the user's computer system based on the stored informant previously sent (column 8, line 66 to column 9, line 4; e.g., see Figure 3).

In regard to claim 2, incorporating the rejection of claim 1:

"...further comprising the steps of:

> *managing, for an individual user, a fee for the software sent to the user's computer system; and*
>
> *collecting the fee from the user."*

See column 8, line 66 to column 9, line 4; see also Figure 3.

In regard to claim 4:

A software installation method comprising the steps of:

"sending identification information of a first computer system to a second computer system;

accepting, in response to the above step, software required for operation of a constituent element of the first computer system, which is indicated in system configuration information stored in the second computer which corresponds to the identification information sent from the first computer system; and

> *conducting setup processing in order to make the software accepted in the accepting step into an executable state in the first computer."*

Smith discloses sending identification information from one computer to another,

accepting the required software indicated by configuration information corresponding to the sent

information (column 8, lines 23 – 31, and 61 – 65), and conducting a setup to make the software

executable (e.g. Figure 3, step 90)

In regard to claim 5, incorporating the rejection of claim 4:

> *"...wherein the first computer system reads and executes a specified installation software which is stored in a specified storage medium."*

See Smith column 8, lines 15 – 48.

In regard to claim 6, incorporating the rejection of claim 5:

> *"...further comprising the step of storing software which the first computer system receives from the second computer system."*

See Smith Figure 3, step 90.

In regard to claim 7 (a storage medium): it is rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding method).

In regard to claim 9 (New):

A software installation method comprising the steps of:

> *"storing system configuration information of a user's computer system and identification information for identifying the user's computer system;*

> *accepting from the user's computer system the identification information of the user's computer system; and*

sending, to the user's computer system, software corresponding to the system configuration information of the user's computer system that is determined from the stored system configuration information which corresponds to the accepted identification information."

Claim 9 is rejected for the same reasons put forth in the rejection of claim 1.

In regard to claim 10, incorporating the rejection of claim 9 (New):

"...further comprising the steps of:

> *managing, for an individual user, a fee for the software sent to the user's computer system; and*

> *collecting the fee from the user."*

Claim 10 is rejected for the same reasons put forth in the rejection of claim 2.

In regard to claim 12, incorporating the rejection of claim 11 (New):

A software installation method comprising the steps of:

> *"sending identification information of a first computer system to a second computer system;*
>
> *accepting, in response to the above step, software corresponding to system configuration information of the first computer system, which is indicated by system configuration information stored in the second computer that corresponds to the identification information sent from the first computer system; and*
>
> *conducting setup processing in order to make the software accepted in the accepting step into an executable state in the first computer."*

Claim 12 is rejected for the same reasons put forth in the rejection of claim 4.

In regard to claim 13, incorporating the rejection of claim 12 (New):

> *"...wherein the first computer system reads and executes a specified installation software which is stored in a specified storage medium."*

Claim 13 is rejected for the same reasons put forth in the rejection of claim 5.

In regard to claim 14, incorporating the rejection of claim 13 (New):

> *"...further comprising the step of storing software which the first computer system receives from the second computer system."*

Claim 14 is rejected for the same reasons put forth in the rejection of claim 6.

In regard to claim 15 (New):

A storage medium having software stored thereon for making a computer system, which has a memory in which identification information is stored, execute the function of installing a specified software onto the computer system, wherein, the software comprises the functions of:

> *"sending the identification information to another computer system;*
>
> *accepting, following the sending of the identification information, software sent from the another computer system; and*
>
> *conducting setup processing in order to make the accepted software into an executable state."*

Claim 15 is rejected for the same reasons put forth in the rejection of claim 7.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3; 8; 11; and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Smith et al., U.S. Patent 6.067,582 in view of Bakshi et al., U.S. Patent 6,574,663.

In regard to claim 3:

A software installation method comprising:

*"a first database for storing information related to a constituent element of a computer
system and software required for operation of the constituent element;*

*a second database for storing identification information for identifying a computer
system supplied to a user, and system configuration information indicating hardware of
the computer system;*

*an accepting means for accepting from the user's computer system the identification
information given to the user's computer system;*

*first determining means for determining system configuration information which
corresponds to the accepted identification information, with reference to the second
database;*

*second determining means for determining software required for the constituent
element which is indicated in the system configuration information, with reference to
the first database; and*

sending means for sending the determined software to the user's computer system."

Smith discloses an accepting means to receive stored information related to an element of

a computer system, and including computer system identification information and hardware

configuration information, as well as a determining means for system configuration information

and a determining means for the required software (column 8, lines 16 – 53, and 61 – 65), but

Smith does not explicitly teach separate databases for storing information relating to elements of

a computer system and identifying software in the configuration. However, Bakshi discloses a

first database with device information and a second database with software information and

combining the two in determining an operable system (Abstract; column 2, lines 1 – 7). Using

two databases and combining the information to configure a system is analogous to the claimed

invention. Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to modify the software updating system with the configuration and system

element information as taught by Smith, and modified to have a first database for one element of

information and another database for other configuration information as taught by Bakshi,

because the combination provides a means to configure various devices with relevant software to

attain desired attributes as taught by Bakshi at column 2, lines 34 – 42 increasing the flexibility

to access multiple sources and increasing the chances of finding the best configuration.

In regard to claim 8 (a system):

> *"means for storing identification information for identifying the first computer system;*
>
> *means for connecting the first computer system to the second computer system and for sending the identification information to the second computer system, in accordance with recovery instructions;"*

Smith discloses an accepting means to receive stored information related to an element of

a computer system, and including computer system identification information and hardware

configuration information, as well as a determining means for system configuration information

and a determining means for the required software (column 8, lines 16 – 53, and 61 – 65).

Recovery procedures are taught ay column 8 lines 49 – 60.

> *"first accepting means for accepting software sent from the second computer system, and wherein the second computer system comprises:*

> *a first database for storing information related to a constituent element of the first computer system and software required for operation of the constituent element;*
>
> *a second database for storing identification information for identifying a computer system supplied to a user, and system configuration information indicating hardware of the first computer system;*
>
> *second accepting means for accepting, from the first computer system, the identification information of the first computer system;*
>
> *accepting means for accepting the identification information sent from the first computer system;*
>
> *first determining means for determining system configuration information which corresponds to the accepted identification information, with reference to the second database;*
>
> *second determining means for determining software required for the constituent element which is indicated in the system configuration information, with reference to the first database; and*
>
> *sending means for sending the determined detected software to the first computer system."*

Smith discloses an accepting means to receive stored information related to an element of a computer system, and including computer system identification information and hardware configuration information, as well as a determining means for system configuration information and a determining means for the required software (column 8, lines 16 – 53, and 61 – 65), but Smith does not explicitly teach separate databases for storing information relating to elements of a computer system and identifying software in the configuration. However, Bakshi discloses a first database with device information and a second database with software information and combining the two in determining an operable system (Abstract; column 2, lines 1 – 7). Using

two databases and combining the information to configure a system is analogous to the claimed

invention. Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to modify the software updating system with the configuration and system

element information as taught by Smith, and modified to have a first database for one element of

information and another database for other configuration information as taught by Bakshi,

because the combination provides a means to configure various devices with relevant software to

attain desired attributes as taught by Bakshi at column 2, lines 34 – 42 increasing the flexibility

to access multiple sources and increasing the chances of finding the best configuration.

In regard to claim 11 (New):

A software installation method comprising:

> *"a first database for storing system configuration information related to a user's computer system;*
>
> *a second database for storing identification information for identifying a computer system of a user and the system configuration information of the user's computer system;*
>
> *an accepting means for accepting from the user's computer system the identification information given to the user's computer system;*
>
> *first determining means for determining system configuration information which corresponds to the accepted identification information, with reference to the second database;*
>
> *second determining means for determining software corresponding to the system configuration information based on the identification information of the user's computer system determined with reference to the first database; and*
>
> *sending means for sending the determined software to the user's computer system."*

Claim 11 is rejected for the same reasons put forth in the rejection of claim 3.

In regard to claim 16 (New):

An installation system for a client/server system constituted by a first computer system and a second computer system, by which software is installed onto the first computer system, wherein the first computer system comprises:

"means for storing identification information for identifying the first computer system;

means for connecting the first computer system to the second computer system and for sending the identification information to the second computer system, in accordance with
recovery instructions; and

first accepting means for accepting software sent from the second computer system, and wherein the second computer system comprises:

a first database for storing system configuration information of the first computer system;

a second database for storing identification information for identifying a computer system supplied to a user, and the system configuration information of the first computer system;

second accepting means for accepting, from the first computer system, the identification information of the first computer system;

accepting means for accepting the identification information sent from the first computer system;

first determining means for determining system configuration information which corresponds to the accepted identification information, with reference to the second database;

second determining means for determining software corresponding to the system configuration information, with reference to the first database; and

> *sending means for sending the determined software to the first computer system.*"

Claim 16 is rejected for the same reasons put forth in the rejection of claim 8.

Response to Arguments

Applicant's arguments filed 9/2/2005 have been fully considered but they are not

persuasive:

The Applicant has argued:

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As amended, claim 1 sets forth that the software required for the
constituent element is software required for the operation of the
constituent element, such as a driver, for example a display driver or
printer driver, etc.  Accordingly, claim 1 states that the software
required for the operation of the constituent element is sent to the
user's computer as determined from the stored system configuration
information that corresponds to the accepted identification
information.  Claim 3 has been similarly amended to include that the
first database is for storing information related to a constituent
element of a computer system and the software required for operation of
the constituent element, and further to state that the software
required for operation of the constituent element which is indicated in
the system configuration information, with reference to the first
database, is sent to the user's computer system.  Claims 4, 7 and 8
have also been amended to set forth that the software is that which is
required for operation of a constituent element of a computer. As
amended, each of the independent claims is patentable over Smith and
the combination of Smith and Bakshi.
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Examiner's response:

Simply amending the claims to include "operation" does not require a change of the

grounds rejection. The applied art requires operation of the software in order for useful tasks to

be accomplished. Therefore, the existing grounds of rejection stand.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2193

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

16 November 2005